



JUSTIFIED
ANGER
COURT
OBSERVERS
PROGRAM

8/22/2022

Clerk of Supreme Court
Attn: Deputy Clerk-Rules
PO Box 1688
Madison, WI 53701-1688

Re: Petition SCR 22-03 Eviction Record Retention

Dear Honorable Justices,

I am writing on behalf of the Justified Anger Court Observers in support of petition SCR 22-03 which would limit the retention of records related to eviction cases to 1 year.

We are a group of volunteers who have been observing every eviction hearing and trial in Dane County since March 2021. We are community members without previous experience in housing issues or the eviction court process. As community members, we are concerned about the impact of housing insecurity within Dane County and the ways evictions can make it more challenging to secure stable housing.

By observing 1,495 eviction hearings and trials to date, our Observers have collectively learned the following:

- We know that individuals' financial circumstances can abruptly and temporarily change with the loss of a job or support from someone sharing the rent.
- We know there is a shortage of housing in Dane County so landlords have no incentive to assess a potential tenant's *current* ability to make rent when a *past* eviction appears in a CCAP search even when it occurred years prior to the current application.
- Record of a prior eviction can make it harder to access credit and employment.
- We know that loss of housing and increased difficulty in securing another place to live after an eviction has an impact on the entire community. Children change schools and have difficulty learning. Employers have difficulty finding a stable workforce. It puts people and families at risk for a variety of health, mental health, and social difficulties.

- We know that most tenants go through the eviction process without legal representation, and we see them in court hearings worried about where they are going to live and confused by the court process. As outside observers, we have the benefit of some orientation to the court process and we watch without personal investment or facing the possible loss of our housing. Despite that, we still find that hearings are fast and full of legal jargon. It takes volunteers several days of observing to feel they understand what is happening. We can only imagine how difficult this is for tenants to navigate. It is clear to us that tenants are at a disadvantage in relation to landlords who generally know the process and can leverage the legal system to their advantage.
- When it comes to the impact that an eviction will have on an individual's record, even when the eviction is dismissed, we observe that most are either unaware that it will become public record or they express concern. Often those that raise questions about their record are given dismissive reassurances by the courts that underestimate the reality that landlords utilize that information to screen renters or in some cases charge additional security deposits.

The fact that an eviction remains public record for two decades after a case is processed, making it more difficult for a person to achieve stable housing, is unjust.

We recognize that landlords have an interest in and right to assess potential renters. However, we think the one-year time frame put forth in this petition when no money judgment is involved is a fair and reasonable length of time for this information to be available. Reducing the time an eviction case is retained to one year would allow potential landlords to focus on an applicant's current ability to meet rent without the prejudice from noting past evictions. It would clearly eliminate one significant barrier for people seeking housing and improve the likelihood of stable families within a community.

We ask you to adopt Petition 22-03 to improve the ability for individuals to achieve housing stability.

Sincerely,

A handwritten signature in cursive script that reads "Laura Berger". The signature is written in black ink and is positioned above the typed name.

Laura Berger, Program Lead
Justified Anger Court Observers